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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,499	03/01/2004	Clark Schaefer	MMC100	1049
20482 7590 01/03/2007 GARRISON ASSOCIATES 2001 SIXTH AVENUE SUITE 3300 SEATTLE, WA 981212522			EXAMINER TOOMER, CEPHIA D	
			ART UNIT	PAPER NUMBER
			1714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/790,499

**Applicant(s)**

SCHAEFER, CLARK

**Examiner**

Cephia D. Toomer

**Art Unit**

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because it is not clear how the solid fuel composition is processed. Clarification is required.

Claim 7 is dependent upon itself for support.

Claim 9 is rejected because component (b) is limited to the components listed in the Markush group of claim 1. There is no antecedent support in claim 1 for (b) containing trisodium phosphate.

Claims 10-12 are rejected because component (b) is limited to those compounds set forth in the Markush group of claim 1. There is no antecedent support in claim 1 for the creosote-destroying agent to contain the compounds set forth in claims 10-12.

Claim 13 is rejected because it is incomplete. The claim ends with a blank and asterisk. Correction is required.

Claim 18 is rejected because there is no antecedent support within the claim for "said fire log". "Flu" should read -flue --.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 4, 5, 7, 10-12, 14-19 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 2002046337 with US 20040088912 as the English translation.

WO teaches a solid agent for destroying soot and in particular tars (creosote). The invention chemically cleans combustion devices and flues which are contaminated with the tars (see abstract; paragraphs 1 and 2). The invention also relates to the use of this solid body, which consists in placing it in an active fireplace, preferable in contact with hot embers under combustion conditions.

The solid body is in the form of one or more logs (see paragraph 5). The active agent will be present in the solid body in an amount from 41 to 90% by wt and the remainder will be composed of 5-50 % wood waste and 5-50% binding agent (see paragraph 16). WO teaches that in addition to the essential constituents the composition may contain colorants, fragrances and the like in up to 50 parts by wt per

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100 parts by wt of the base component (see paragraph 17). The active agent may be sodium or potassium chloride, ammonium chloride, sulfate or nitrite and/or ammonium phosphate (see paragraph 19).

WO teaches that the log is placed on the embers and combusts for approximately 1 hour (see paragraph 30).

Accordingly, WO teaching all the limitations of the claims anticipates the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2002046337 with US 20040088912 as the English translation.

WO fails to teach the dimensions of the log. However, no unobviousness is seen in this difference because where the only difference between the prior art and the claims is the recitation of relative dimensions of the claimed log and a log having the claimed relative dimensions would not perform differently than the prior art log, the claimed log is not patentably distinct from the prior art log.

8. Claims 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2002046337 with US 20040088912 as the English translation in view of Mackowiak (US 4,481,010).

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WO has been discussed above. WO fails to teach the use of copper chloride and trisodium phosphate. However, Mackowiak teaches this difference.

Mackowiak teaches a composition for removing creosote comprising 15-60% metallic chloride (sodium and copper) and 20-60% trisodium phosphate (see abstract; col. 4, lines 10-27). The composition is added to a fire (see claim 13).

It would have been obvious to one of ordinary skill in the art to add copper chloride to the composition because WO teaches using sodium chloride as the active tar removing agent and Mackowiak teaches that sodium chloride and copper chloride are art recognized equivalents for this purpose.

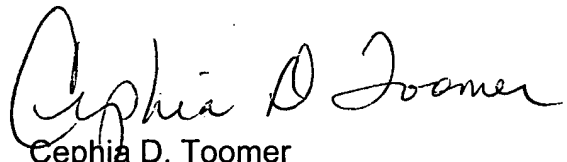
It would have been obvious to one of ordinary skill in the art to add trisodium phosphate to the composition because WO uses metallic chlorides and Mackowiak teaches that the addition of the phosphate compound is effective for removing tar (creosote) and reduces the corrosiveness of the chloride compounds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cephia D. Toomer  
Primary Examiner  
Art Unit 1714

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